

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

NIPPON SHINYAKU CO., LTD.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 21-1015 (JLH)
	)	
SAREPTA THERAPEUTICS, INC.,	)	
	)	
Defendant.	)	
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SAREPTA THERAPEUTICS, INC. and THE	)	
UNIVERSITY OF WESTERN AUSTRALIA,	)	
	)	
Defendant/Counter-Plaintiffs,	)	
	)	
v.	)	
	)	
NIPPON SHINYAKU CO., LTD.	)	
and NS PHARMA, INC.	)	
	)	
Plaintiff/Counter-Defendants.	)	

**SAREPTA THERAPEUTICS, INC. AND THE UNIVERSITY OF WESTERN  
AUSTRALIA’S MOTION (#3) TO EXCLUDE DR. MICHELLE L. HASTINGS’S  
OPINIONS AND TESTIMONY CONCERNING ENABLEMENT OF  
5’- AND 3’-END MODIFICATIONS**

Pursuant to Federal Rule of Evidence 702, Sarepta Therapeutics, Inc. (“Sarepta”) and the University of Western Australia (“UWA”) respectfully move for the Court to exclude the opinions and testimony of Dr. Michelle L. Hastings concerning enablement of 5’- and 3’-end modifications, which apply the wrong legal standard for enablement, including those contained in Paragraphs 55-60, 65, 75-76, 79, 81, 207, and 209 of her Supplemental Expert Report and Paragraphs 91, 93, 96, 99, and 117 of her Supplemental Reply Expert Report, served on July 3, 2024 and September 4, 2024, respectively. The grounds for this Motion are set forth in the Opening Brief in support thereof, filed concurrently.

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*/s/ Megan E. Dellinger*

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October 2, 2024

**RULE 7.1.1 CERTIFICATE**

I hereby certify that the subject of the foregoing motion has been discussed with counsel for the plaintiff/counter-defendants and that we have not been able to reach agreement.

*/s/ Megan E. Dellinger*

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Megan E. Dellinger (#5739)

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NIPPON SHINYAKU CO., LTD.	)	
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	)	
Plaintiff/Counter-Defendants.	)	

**[PROPOSED] ORDER GRANTING SAREPTA THERAPEUTICS, INC. AND THE  
UNIVERSITY OF WESTERN AUSTRALIA’S MOTION (#3) TO EXCLUDE DR.  
MICHELLE L. HASTINGS’S OPINIONS AND TESTIMONY CONCERNING  
ENABLEMENT OF 5’- AND 3’-END MODIFICATIONS**

Having considered Sarepta Therapeutics, Inc. (“Sarepta”) and the University of Western Australia (“UWA’s”) motion to exclude Dr. Michelle L. Hastings’s opinions and testimony concerning enablement of 5’- and 3’-end modifications, and all related papers filed in connection therewith,

**IT IS HEREBY ORDERED** that Sarepta and UWA’s Motion is **GRANTED**: the opinions and testimony of Nippon Shinyaku Co., Ltd. and NS Pharma, Inc.’s expert Dr. Michelle L. Hastings concerning enablement of 5’- and 3’-end modifications, which apply the wrong legal standard for enablement, including those contained in Paragraphs 55-60, 65, 75-76,

79, 81, 207, and 209 of her Supplemental Expert Report and Paragraphs 91, 93, 96, 99, and 117 of her Supplemental Reply Expert Report, served on July 3, 2024 and September 4, 2024, respectively, are hereby excluded.

**IT IS SO ORDERED**, this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
The Honorable Jennifer L. Hall  
U.S. District Court Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on October 2, 2024, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on October 2, 2024, upon the following in the manner indicated:

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*/s/ Megan E. Dellinger*

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Megan E. Dellinger (#5739)